

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

HITEL TECHNOLOGIES LLC,

Plaintiff

v.

GAP, INC.

Defendant

Case No. 6:20-cv-01205-ADA

JURY TRIAL DEMANDED

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Hitel Technologies LLC (“Hitel” or “Plaintiff”) files this Complaint for patent infringement against GAP. (“GAP” or “Defendant”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under 35 U.S.C. § 1 et seq.

PARTIES

2. Hitel is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business in 2108 Dallas Pkwy, Suite 214-1051, Plano, TX 75093.
3. Upon information and belief, GAP is a corporation organized under the laws of Delaware and has a regular and established place of business at 2432 W. Loop 340, Suite B, Waco, Texas 76711.

JURISDICTION AND VENUE

4. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

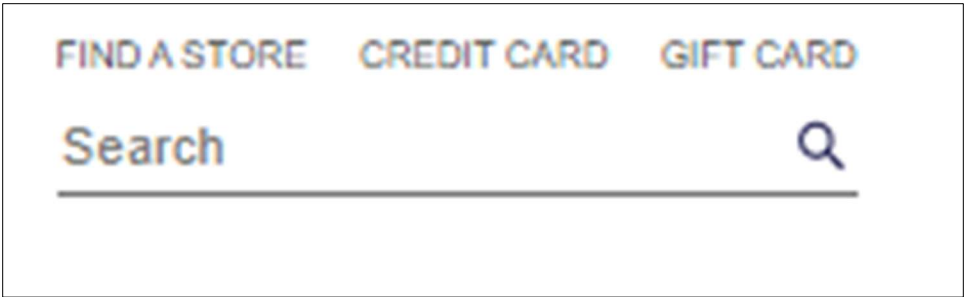
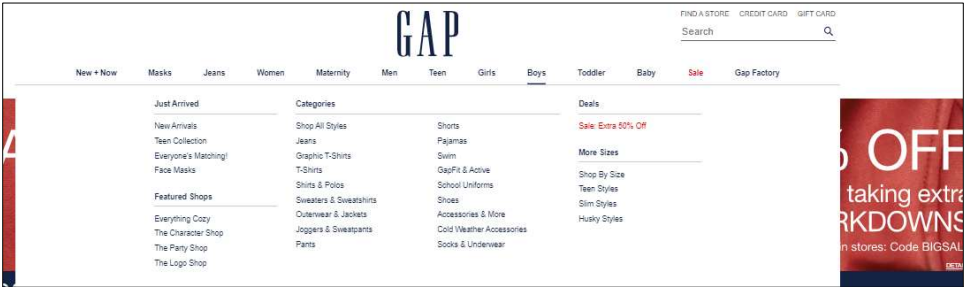
5. Upon information and belief, Defendant is subject to personal jurisdiction of this Court based upon it having regularly conducted business, including the acts complained of herein, within the State of Texas and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

6. Venue is proper in this District under 28 U.S.C. § 1400 because Defendant has committed acts of infringement and has regular and established places of business in this judicial district.

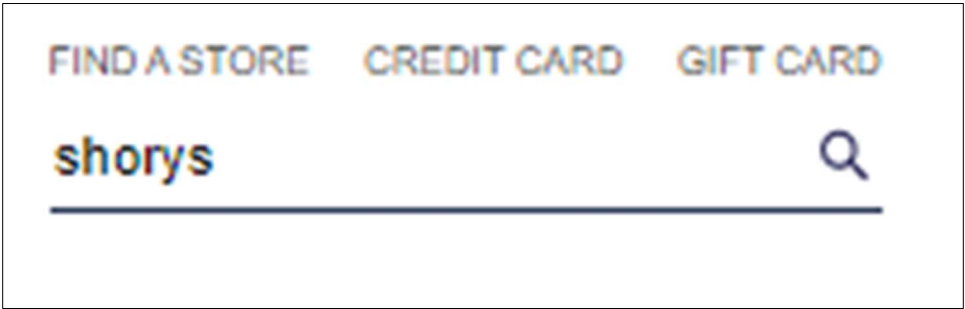
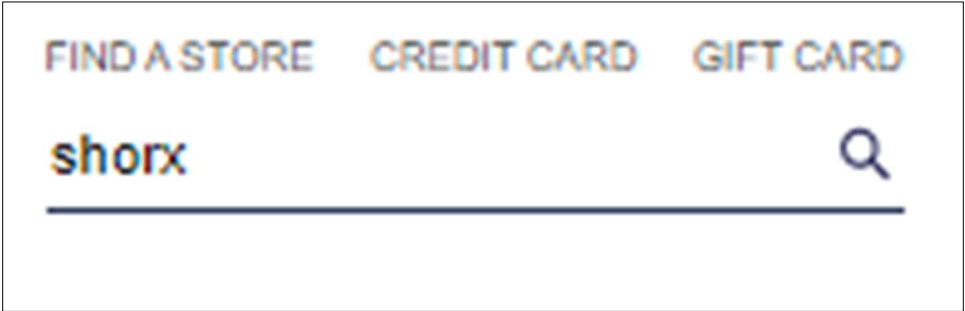
OVERVIEW OF THE GAP WEBSITE

7. Defendant provides for its customers use the GAP Website (<https://www.gap.com>) (the “Accused Website”).

8. On information and belief, Defendant provides the Accused Website that provides the user the ability to search and navigate among various categories of items. For these categories the user is able to search for items using keywords using a search box.

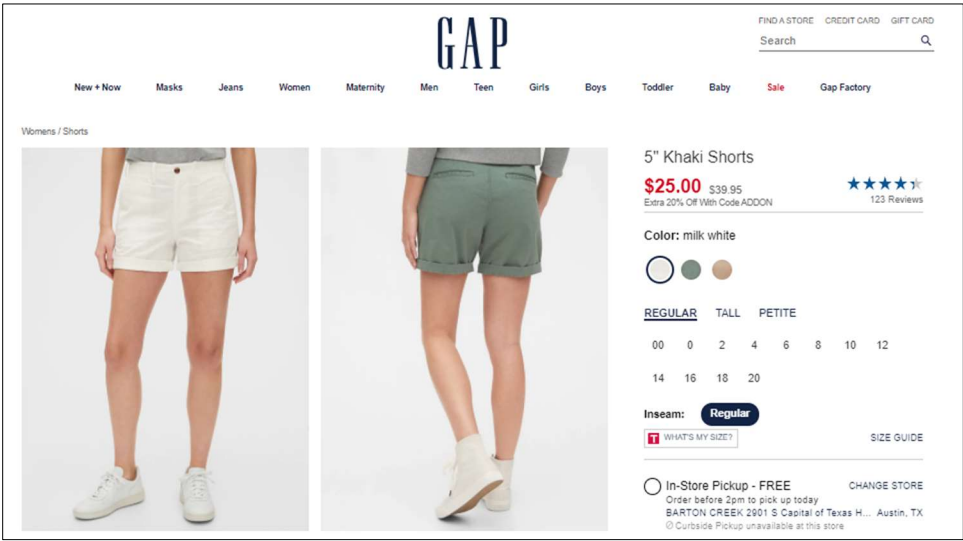


9. On information and belief, when searching for an item category the user may enter a keyword that does not directly match an existing category. The Accused Website then determines the requested search term is unknown.

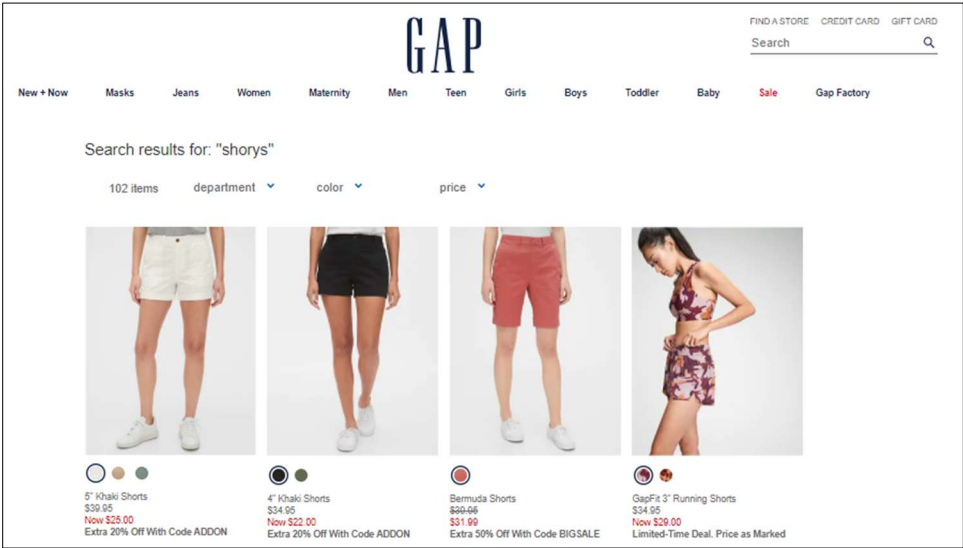


10. On information and belief, the Accused Website then receives additional input

from the user to select the desired category and presents a response to the user based on the items in the selected category.



11. On information and belief, the Accused Website learns the association between the unknown word and the keywords associated with the item category for which a direct relationship is formed.



COUNT I (Infringement of U.S. Patent No. 7,689,617)

12. Hitel incorporates the above paragraphs as though fully set forth herein.

13. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,689,617 (the “617 Patent”), entitled Dynamic Learning Navigation Systems, which issued on March 30, 2010. A copy of the ’617 Patent is attached as Exhibit PX-617.

14. The ’617 Patent has been assigned twice. Each assignment has been recorded with the United States Patent and Trademark Office.


<https://assignment.uspto.gov/patent/index.html#/patent/search/resultAbstract?id=7689617&type=patNum>

Assignment abstract of title for Application 11361726			
Invention title/Inventor DYNAMIC LEARNING FOR NAVIGATION SYSTEMS Prashant Parikh	Patent 7689617 Mar 30, 2010	Publication 20060200442 Sep 7, 2006	Application 11361726 Feb 24, 2006
Assignments (2 total)			

15. The first assignment occurred effective on January 15, 2020 from Prashant Parikh to Monumental IP LLC.

Assignment 1		
Reel/frame 053030/0434	Execution date Jan 15, 2020	Date recorded Jun 24, 2020
Conveyance ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS). [A]		
Assignors PARIKH, PRASHANT		Correspondent MONUMENTAL IP LLC 15922 ELDORADO PKWY, SUITE 500-1712 FRISCO, TX 75035
Assignee MONUMENTAL IP LLC 15922 ELDORADO PKWY, SUITE 500-1712 FRISCO, TEXAS 75035		

16. The second assignment occurred effective on June 22, 2020 from Monumental IP LLC to Hitel Technologies LLC.

Assignment 2		
Reel/frame 053032/0880	Execution date Jun 22, 2020	Date recorded Jun 25, 2020
Conveyance ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS). 		
Assignors MONUMENTAL IP LLC	Correspondent HITEL TECHNOLOGIES LLC 2108 DALLAS PKWY, STE 214 - 1052 PLANO, TX 75093-4362	
Assignee HITEL TECHNOLOGIES LLC 2108 DALLAS PKWY, STE 214 - 1052 PLANO, TEXAS 75093-4362		

17. At no time has Noema, Inc. been an assignee of the '617 Patent.
18. At no time has Noema, Inc. held any ownership interest in or control over the '617 Patent.
19. The '617 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.
20. Defendant has been and is now infringing one or more claims of the '617 Patent under 35 U.S.C. § 271 by making and using the Accused Website in the United States without authority.
21. Defendant has also infringed the '617 Patent by encouraging customers (and potential customers) to use the Accused Website to practice the claims of the '617 Patent.
22. Claim 1 recites:
 1. A method performed in a system comprising user navigable nodes, documents attached to the user navigable nodes, keywords associated with the user navigable nodes and having search and navigation capability that allows users to move from node to node via links between the nodes and

make selections when at individual nodes, the method comprising, at a user navigable node within the system: receiving an input from a user; determining that the input contains an unknown word; subsequent to the determining, navigating through the system to a current node from the user navigable node based upon at least one additional input from the user that was provided while at the user navigable node; presenting at least one response to the user based upon the documents attached to the current node resulting from the navigation; and following presentation of the at least one response, learning one or more associations between the unknown word and one or more keywords from the documents attached to the current node, such that a direct relationship is formed between the unknown word and the one or more keywords.

23. More particularly, Defendant infringes at least claim 1 of the '617 Patent.

24. As illustrated above, on information and belief, Defendant makes and uses the Accused Website, which comprises navigable nodes, documents attached to the user navigable nodes, keywords associated with the user navigable nodes.

25. On information and belief, the Accused Website has search and navigation capability that allows users of the website to move from node to node via links between the nodes and make selections when at individual nodes.

26. On information and belief, Defendant receives an input from a user.

27. On information and belief, Defendant determines that the input contains an unknown word.

28. On information and belief, subsequently, Defendant navigates through the system to a current node from the user navigable node based upon at least one additional input from the user that was provided while at the user navigable node.

29. On information and belief, Defendant presents at least one response to the user based upon the documents attached to the current node resulting from the navigation.

30. On information and belief, Defendant learns one or more associations between the unknown word and one or more keywords from the documents attached to the current node, such that a direct relationship is formed between the unknown word and the one or more keywords.

31. Hitel has been damaged by Defendant's infringing activities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

1. declaring that the Defendant has infringed the '617 Patent;

2. awarding Plaintiff its damages suffered as a result of Defendant's infringement of the '617 Patent;
3. awarding Plaintiff its costs, attorneys' fees, expenses, and interest; and
4. granting Plaintiff such further relief as the Court finds appropriate.

JURY DEMAND

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: March 16, 2021

Respectfully submitted,

/s/ Raymond W. Mort, III

Raymond W. Mort, III Texas

State Bar No. 00791308

raymort@austinlaw.com

THE MORT LAW FIRM, PLLC

100 Congress Ave, Suite 2000

Austin, Texas 78701

Tel/Fax: (512) 865-7950

ATTORNEYS FOR PLAINTIFF

HITEL TECHNOLOGIES LLC